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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3976 OF 2007

Ratnakar Ganpatrao Patil ...Applicant
V/s.
Kisan Balaji Reddi & Anr. ...Respondents

Mr.Sameer Kumbhakoni, Advocate, for the Applicant.

Mrs.M.H. Mhatre, APP, for the Respondent-State.

CORAM : A.P. DESHPANDE, J.

DATED : 12TH DECEMBER, 2007.

P.C.:

1. The present applicant is an accused in the criminal complaint filed by the respondent under Section 138 of the Negotiable Instruments Act. The applicant moved the transfer application before the Sessions Court seeking transfer of the pending case from the file of the 5th Joint Judicial Magistrate First Class, Solapur to any other Court for trial. The application for transfer came to be rejected by the Sessions Judge and hence the present application has been filed seeking the said relief.

2. The only averment on the basis of which transfer of the case is sought is that summons was not served on the applicant and despite non-service of summons, non-bailable warrant was issued. At a later

point of time, on an application moved by the applicant, the non-bailable warrant has been cancelled.

3. The learned Counsel for the applicant submits that the applicant has an apprehension of bias against the presiding officer. Apprehension to justify transfer on the ground of bias has to be of a right thinking person. There is hardly anything on record to assume that the apprehension of the applicant is well founded requiring transfer of the case. Hence, the Criminal Application is rejected.

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